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Rep. Steinberg, Sen. Gerratana, Sen. Somers and distinguished members of the Public Health Committee:

I wish to testify in **SUPPORT** of SB 218, AN ACT PROHIBITING INVOLUNTARY STERILIZATION OF PERSONS WITH DISABILITIES.

Last fall, in response to a question from a constituent, I asked a researcher in OLR to find out when Connecticut outlawed involuntary sterilization. To my surprise, not only did the researcher report that we had never outlawed involuntary sterilization, but that it continues to be in practice until this day.

Almost every year, Connecticut sterilizes one of our residents without their consent. Sometimes, more than one.

Table 1: Sterilization Cases and Dispositions

Fiscal Year	No. of Cases	Disposition
2012	5	3 granted, 1 denied, 1 withdrawn
2013	0	----
2014	3	3 granted
2015	2	2 granted
2016	1	1 granted
2017	1	1 granted

(Estimates courtesy of the Probate Court Administrator, via OLR)

I suggest that the law permitting this is an anachronism and that our understanding of how we ought to act with respect to people with disabilities has changed radically since the law was adopted by the legislature in 1909.

Since then a whole body of international law has emerged that condemns involuntary sterilization. A consensus has emerged that it violates the essential dignity of human beings and rights to basic bodily autonomy.

Let me be clear. This law is a eugenics law. I am not going to rehash the entire history of the eugenics movement, or of its most extreme excesses.

But this state, this legislature, and in particular this committee, bear a special responsibility because the law at issue is a eugenics law. It was originally adopted in 1909, apparently as the second involuntary sterilization law in the world (shortly following Indiana). This supplemented an 1896 Connecticut law that had prevented people with disabilities from marrying.

For decades, Connecticut pioneered the use of state power to decide which of our citizens was fit to procreate. As the eugenics movement gained popularity, and involuntary sterilization was ratified by the Supreme Court in the 1927 case, *Buck v. Bell*, Connecticut expanded the use of this power. And for decades in Middletown, and Norwich and Southbury and other places, Connecticut routinely sterilized citizens we deemed mentally or physically deficient.

In 1935, the Connecticut General Assembly passed a special act establishing an independent commission to "Study the Laws and Facilities of Connecticut Pertaining to the Prevention, Treatment and Care of Mental Defects and Disease and Allied Problems." That commission hired a consultant, the Eugenics Record Office of the Carnegie Institution of Washington, that recommended that this law be expanded to cover as much as 10% of Connecticut's population (another recommendation was that the town of Rocky Hill be used a test case). Ultimately Connecticut declined to follow that recommendation, but the same consultant worked with the government of Germany that year to set up Germany's eugenics program, a program that was directly modeled on systems then in place across the United States.

The use of involuntary sterilization waned following the Second World War and again in the late 1970s and early 1980s as attitudes shifted and the legislature passed reforms. Notably, Connecticut now requires a probate judge to certify that sterilization is in the "best interest" of the person.

I have great respect for our probate judges, and I have spoken to several of them about this law. With respect, I do not believe that any person should be in a position of making permanent irrevocable reproductive decisions for another person. And that the Public Health Committee should take the affirmative step of removing this power from the state's law books once and for all, 109 years after we passed it.

Thank you for your consideration.

Respectfully,

Matthew Lesser